



Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: STEPHANIE BUBENHEIM, PLANNER II

(480) 503-6625, STPEHANIE.BUBENHEIM@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER

(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: JUNE 6, 2018

SUBJECT: UP18-04, DOGTOPIA: A CONDITIONAL USE PERMIT TO

ALLOW A DOG DAY CARE CENTER, FOR APPROXIMATELY 1.2 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 207 E. WILLIAMS FIELD ROAD IN THE SHOPPING CENTER (SC) ZONING DISTRICT WITH A PLANNED AREA

DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE: Community Livability

Allow for a diversity of uses to include a dog day care center for the community.

RECOMMENDED MOTION

Make the Findings of Fact and approve of UP18-04, Dogtopia: a Conditional Use Permit to allow a dog day care center, for approximately 1.2 acres of real property generally located at 207 E. Williams Field Road, and zoned Shopping Center (SC) with a Planned Development overlay, subject to conditions.

APPLICANT/OWNER

Company: Dogtopia Gilbert Company: Gilbert Fiesta II Lots 2&3 LLC

Name: Tina Edenfield Name: Arthur Cunningham III

Address: 2468 E. Page Ave. Address: 3219 E. Camelback Rd. Ste 819

Gilbert, AZ 85234 Phoenix, AZ 85018

Phone: 480-729-0789 Phone: 602-468-3900 Email: tina.edenfield@dogtopia.com Email: art@founteq.com

BACKGROUND/DISCUSSION

History

Date	Description		
May 12, 1987	Town Council annexed 160 acres at the southeast corner of Gilbert		
	and Williams Field Roads in A86-13 with Ordinance No. 515.		
December 8, 1987	Town Council approved Ordinance No. 542 (Z86-51) establishing		
	the Gilbert Commons PAD with underlying zoning for		
	approximately 153 acres.		
July 29, 1997	Town Council adopted Ordinance No. 1052 in rezoning case Z96-47		
	amending the Gilbert Commons PAD and established C-2		
	Commercial zoning for approximately 50.6 acres.		
March 14, 2002	The Design Review Board approved the final site plan for the Fry's		
	shopping center, and preliminary site plan for the remainder of the		
	40-acre site (DR01-70).		
	The Design Review Board approved the Gilbert Fiesta Design		
	Guidelines for Gilbert Commons PAD (DR01-108).		
March 10, 2005	The Design Review Board approved the final site plan for Gilbert		
	Fiesta Phase II Pads E and F (DR04-119).		

Overview

The business Dogtopia is proposed to be located east of the southeast corner of Gilbert Road and Williams Field Road within the Gilbert Fiesta shopping center. The site location is 207 E. Williams Field Road, an existing vacant multi-tenant building (Pad F) within the shopping center. Dogtopia proposes to occupy the building to offer a boutique dog day care that includes overnight boarding. Dog day care would be classified as a *Kennel*, which requires approval of Conditional Use Permit within the Shopping Center (SC) zoning district. Dogtopia has locations nationwide and currently has two locations in the Arcadia area of Phoenix and Scottsdale.

The existing, fully developed site is approximately 1.2 acres of the 40-acre shopping center that includes a Fry's, multi-tenant shops, limited service drive-thru restaurants, a storage facility, and an auto parts store directly west of the proposed location. The existing building is over 6,000 sq. ft. with seven suites. Dogtopia proposes to occupy the full building, remodel, and add an outdoor run area along the southwest corner of the building, adding approximately 1,382 sq. ft. subject to approval of a Conditional Use Permit and Design Review.

Surrounding Land Use & Zoning Designations:

	Existing Land Use	Existing Zoning	Existing Use
	Classification		
North	Residential > 0-1	Maricopa County RU-43	Williams Field Road and
	DU/Acre		then Residential
South	Shopping Center (SC)	Shopping Center (SC)	Gilbert Fiesta Shopping

		with PAD	Center
East	Residential >1-2	Single Family (SF-10)	Gilbert Commons Unit 1
	DU/Acre	with PAD	Subdivision
West	Shopping Center (SC)	Shopping Center (SC)	Gilbert Fiesta Shopping
		with PAD	Center
Site	Shopping Center (SC)	Shopping Center (SC)	Vacant multi-tenant
		with PAD	building

Project Data Table

Site Development	Required per LDC	Existing
Regulations		_
Maximum Building Height	35'	28'
(ft.)		
Minimum Building Setback		
(ft.)		
Front to ROW	25'	72'
Side to residential	75'	76'
Side to non-residential	15'	69'
Rear to non-residential	15'	30'
Minimum Separation between	15'	75'
Buildings (ft.)		

DISCUSSION

The site is zoned Shopping Center (SC) and requires a Conditional Use Permit to allow *Kennel* use. *Kennel* is defined in the Land Development Code as "any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl or other domestic animals for a fee, but not including boarding, breeding or care of animals used for agricultural purposes". The proposed dog day care center will consist of a reception area, evaluation room, three designated dog playrooms, one outdoor run area, a bathing station room and staff offices. The applicant has stated that the maximum occupancy of dogs will be 115. The applicant provides in the narrative that odors are controlled with an enzymatic agent. Dog waste will be bagged and put in a double-lined bin and will be emptied each day.

The dog day care center has options of caring for dogs for a couple hours, a full day, or overnight if needed, depending on the customer needs. Dogtopia has three designated rooms for dogs based on the animal's size and dogs are kept with that group for the day. There is a rotation for each room to take groups of dogs to the outside dog run for 15-20 minutes at a time. All rooms are monitored by staff and each room is equipped with live camera streams to the Dogtopia website. The facility also allows current customers to use self-bathing stations within the facility during hours of operation. There is an existing grooming service within Gilbert Fiesta that the applicant will work with on a referral basis.

Hours of Operation

The hours of operation are described in the narrative as follows:

	Customer Hours	Staff Hours
Monday-Friday	7:00AM - 7:00PM	6:30AM – 9:00PM
Saturday-Sunday	10:00AM - 5:00PM	6:30AM – 9:00PM

Groups of dogs will be taken outside periodically throughout the day with a last dog pick up time of 7:00PM. If a dog is staying overnight, the last time staff will take dogs outside is 9:00PM; they will be boarded inside overnight until staff arrives the next day.

Outdoor Dog Run

The proposed outdoor dog run will be approximately 1,382 square feet and be located along the southwest portion of the existing building. The three playrooms will each have their own door that opens to the outdoor dog run and one additional door will be located at the northern portion of the dog run. The applicant is utilizing an existing awning and existing shade trees for shade to the outdoor run, and will be adding misters. Any sidewalk and landscaping that is impacted by the addition of the outdoor run will be required to be replaced during Design Review to ensure accessibility and to continue to meet the intent of the approved landscaping.

The outdoor dog run location is proposed to be located on the southwest corner of the building to meet the setback requirement of 100' from any residential use or district. The nearest wall of the outdoor dog run will be approximately 119' to the residential property line to the west. The existing building will help further mitigate potential noise travelling to residential backyards. The narrative further specifies that a staff person will be outside for the duration of outdoor play time for each group of dogs and if boarding overnight does occur, the last time dogs are taken outside is 9:00PM. Artificial grass will be installed in the dog run, specially made for use with dogs and will be cleaned daily.

Parking

The existing site provides 53 parking spaces, 4 of which are ADA accessible. The proposed outdoor dog run will eliminate 8 parking spaces. The proposed *Kennel* use will require 32 parking spaces and the site will have 45 parking spaces, exceeding the required amount.

FINDINGS

The Planning Commission is required to make four findings in order to approve a Conditional Use Permit. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.

The proposed location of Dogtopia is part of an existing, fully developed shopping center and within an existing building. Animal Services such as grooming and small animal clinics are permitted within the Shopping Center (SC) zoning district. *Kennels* do require approval of a Conditional Use Permit. The applicant has provided in the narrative details of the typical day

functions of the dog day care center, which is supervised by staff and fully supervised while dogs are outside.

The proposed outdoor run will be fully screened and located along the southwest corner of the existing building and away from residential areas. The existing building and proposed outdoor dog run are exceeding the minimum requirements for distance between animal services and residential properties. Staff finds that the proposed use of a dog day care center and addition of an outdoor dog run will not disrupt the current function of the shopping center, will not affect current drive aisles, and will not be detrimental to health, safety, or general welfare of the persons living or working in the vicinity.

2. The proposed use conforms to the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.

The addition of a dog day care center is meeting the intent of the General Plan to provide a mix of unique service opportunities in Gilbert. The proposed use also conforms to the purposes and intent of the Gilbert Commons PAD to provide commercial services for the surrounding community.

3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.

As conditioned,

The proposed use is meeting the requirements set forth in Land Development Code (LDC) Section 4.208 - Animal Services. The existing building and proposed expansion meets the requirements for setbacks and parking, and meets the approved Gilbert Fiesta Design Guidelines.

4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

The dog day care center meets the requirements for setbacks and parking as well as additional setbacks and requirements for animal services. The outdoor dog run is located away from the residential neighborhood to the east and will be enclosed with an 8-foot wall. Possible noise issues will be further mitigated by the existing building, shade structure, and shade trees. The applicant also plans to work with an existing grooming service within the shopping center on a referral basis to promote business. Staff finds that the proposed use would not interfere with the use and enjoyment of nearby properties.

Pursuant to the above analysis, Staff is of the opinion that the project meets the four findings required for granting the modified Conditional Use Permit

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

Staff and the applicant have received inquiries about the proposed use from residents to the east but staff has not received any written opposition from the public.

PROPOSITION 207

An agreement to "Waive Claims for Diminution in Value" pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

STAFF RECOMMENDATION

Make the Findings of Fact and approve of UP18-04, Dogtopia: a Conditional Use Permit to allow a dog day care center, for approximately 1.2 acres of real property generally located at 207 E. Williams Field Road, and zoned Shopping Center (SC) with a Planned Area Development Overlay, subject to conditions:

- 1. The Project shall be in substantial conformance with the site plan and floor plan, shown on the Exhibits provided under Attachments No. 5 and No. 6.
- 2. As noted in the applicant's narrative, dogs will not be taken outside between the hours of 9:00PM and 7:00AM.
- 3. The facility must comply with any applicable licensing and Maricopa County Animal Care and Control requirements, including but not limited to kennel permits, the number of dogs allowed within the facility, maintenance, and inspections.
- 4. Design Review is required for any exterior site alterations including the outdoor dog run prior to issuance of a building permit. Sidewalk and landscape modifications must meet the intent of the previously approved plans.

Respectfully submitted,

Stephanie Bubenheim

Planner II

Attachments and Enclosures:

- 1) Findings of Fact
- 2) Notice of Public Hearing/Vicinity Map

- 3) Aerial Photo
- 4) Narrative
- 5) Site Plan
- 6) Floor Plan
- 7) Correspondence from Applicant Tina Edenfield

UP18-04: Dogtopia Attachment 1 - Findings of Fact June 6, 2018

FINDINGS OF FACT UP18-04, Dogtopia

- 1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
- 2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
- 3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
- 4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

UP18-04: Dogtopia

Attachment 2 - Notice of Public Hearing/Vicinity Map

June 6, 2018 Notice of Public Hearing

PLANNING COMMISSION DATE:

Wednesday, June 6, 2018* TIME: 6:00 PM

LOCATION: Gilbert Municipal Center, Council Chambers 50 E. Civic Center Drive

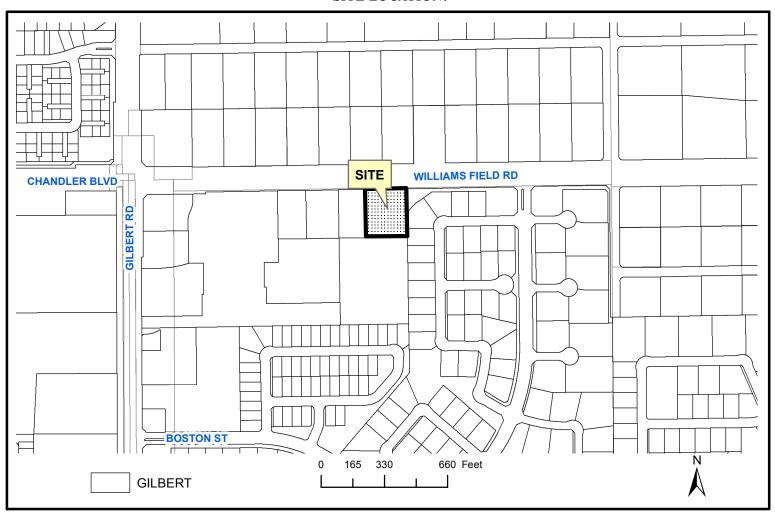
* Call Planning Department to verify date and time: (480) 503-6625

Gilbert, Arizona 85296

REQUESTED ACTION:

UP18-04 DOGTOPIA: Request to approve a Conditional Use Permit for approximately 1.2 acres of real property located at 207 E. Williams Field Road to allow a dog day care center in the Shopping Center (SC) zoning district with a Planned Area Development (PAD) overlay.

SITE LOCATION:



APPLICANT: Dogtopia Gilbert TELEPH

CONTACT: Tina Edenfield

ADDRESS: 2468 E. Page Avenue

Gilbert, AZ 85234

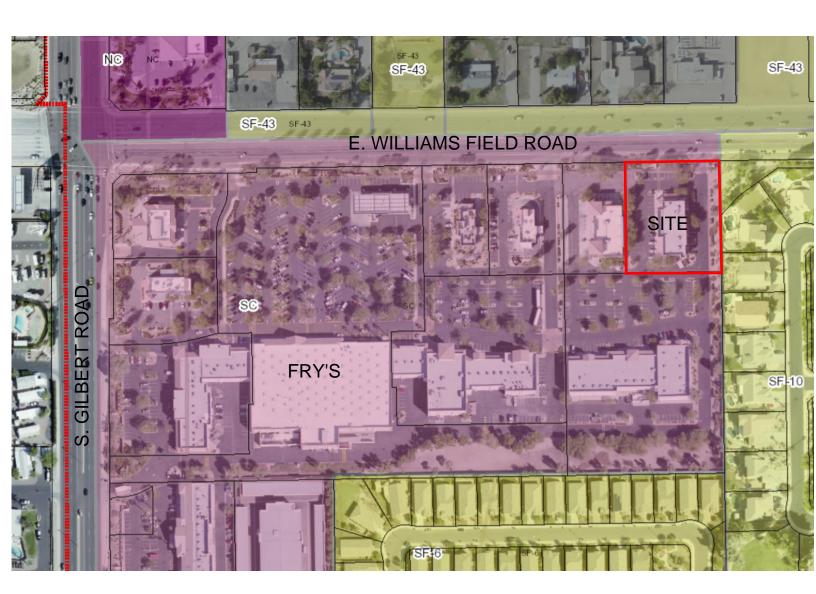
TELEPHONE: (480) 729-0789

E-MAIL: tina.edenfield@dogtopia.com

^{*} The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available prior to the meeting at http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission

UP18-04: Dogtopia Attachment 3 - Aerial Photo

June 6, 2018



UP18-04: Dogtopia Attachment 4 - Narrative June 6, 2018

May 1, 2018,

Town of Gilbert Development Services Department 90 E. Civic Center Drive Gilbert, AZ 85296

RE: Conditional Use Permit 207 E. Williams Field Rd. Gilbert Arizona

Please accept this letter as my project narrative. I very respectfully request Town of Gilbert staff review and Planning Commission approval-consideration for the tenant improvement construction and operation of Dogtopia at the above-mentioned location. Per Table 2.902 in SC District, the Town of Gilbert Land Development Code requires a Conditional Use Permit for Animal Boarding.

The Dogtopia franchise proposed here shall offer boutique doggy day-care, a bathing station, as well as upscale boarding. Our entire experience is premised on a mutual love of dogs and the desire to create the happiest and safest place for only well-socialized animals. All dogs in our care must pass a temperament test prior to daycare, as safety is our primary concern. For owners and the beloved pets entrusted to our care we offer a very well- trained dog-loving staff, sequester animals by three sizes and provide real-time on-line video cameras for all to see.

Dogtopia at Gilbert Fiesta would be in constructed and operated in accordance with the Gilbert Fiesta Design Guidelines, The Town of Gilbert Land Development Code and The Town of Gilbert General Plan 2012. The upscale, southwestern and independent town character is very well suited for animal lovers and their pampered pets. The fourth bullet point in the very first Chapter of The Town of Gilbert General Plan 2012:

Gilbert's amenities are also award winning. Gilbert's Cosmo Dog Park was chosen as one of the top 5 Dog Parks in the U.S. by Dog Fancy Magazine in 2010 and azcentral.com's 2010 Readers Choice chose Cosmo as Best Dog Park

Dogtopia chose this Gilbert location for the very same reason that so many others did. Additionally, the general plan goals and policies are consistent and compatible with animal boarding here. No animal adoption, sales, or veterinarian services are proposed here.

A typical day at Dogtopia would be a pet parent dropping off "Scruffy" and being met by one of our loving staff members. They would be taken into their appropriate room to play with their best furry friends. Once every hour or so, the 3 rooms take turns going into the outdoor area for some fresh air and change of scenery. They are never left alone to bark or be a nuisance. Dogs are supervised 100% of the time, both inside and out. Each group of dogs are allowed outside for 20 minutes or so then let back in. If there are any dogs staying the night, they are let out for one last potty break starting at 8:30. Dogs that aren't staying are picked up each day by 7:00 PM. There WILL be days that no dogs stay overnight.

Hours of operation and hours of dog care are as follows:

- Monday Friday Open 7:00AM 7:00PM (details below)
 - If no dogs are boarded, hours unchanged 7:00AM 7:00PM. Dogs must be picked up by 7:00PM.
 - o If dogs are boarding with us, they are with staff 6:30AM 9:00PM
- Saturday -Sunday Open 10:00AM 5:00 PM (details below)
 - If no dogs are boarded, hours unchanged 10:00AM 5:00PM. Dogs must be picked up by 5:00PM.
 - o If dogs are boarding with us, they are with staff 6:30AM 9:00PM

Dogtopia very much hopes to become good neighbors to the stores and nearby homes and as such will protect the appearance of the Gilbert Fiesta center by retaining the exterior much as it is now. We will not be offering grooming out of respect for the current groomer in shopping center and we hope to begin a mutually beneficial referral relationship with them. Any improvements and signage will strictly follow design guidelines to protect this shopping center's feel and charm. A conceptual sketch provided demonstrates the way Dogtopia proposes to utilize all suites in this building for reference. Further, a play-yard located within the building envelope is proposed pending Design Review and subject to Town of Gilbert Site Development Regulations. The play yard sits +/- 120' from residential lots and will only by used while supervised. There are currently 2 large trees that will be enclosed in the play yard. We will be keeping those trees in place for their beauty and for the shade they provide. The existing patio coverage will provide shade over the dog run and we will be adding misters for more comfort. The comfort and safety of the dogs in our care is our 1st priority. Further, I propose to self-stipulate Dogtopia's conditional use for Animal Boarding as follows:

- 1.) Outdoor use between the hours of 7:00AM 9:00PM.
- 2.) Outdoor use must be supervised at all times.
- 3.) Barking dogs must be returned indoors.
- 4.) Odors will be controlled with daily application of enzymatic agent.
- 5.) Maximum DOG occupancy: 115
- 6.) All the dog waste is bagged and depending on the trash pick-up cycle for Gilbert Fiesta, is put in the dumpster for daily pick up OR put into a separate deep chest freezer inside the building if it's a weekly pick up. There will never be dog waste left to smell.

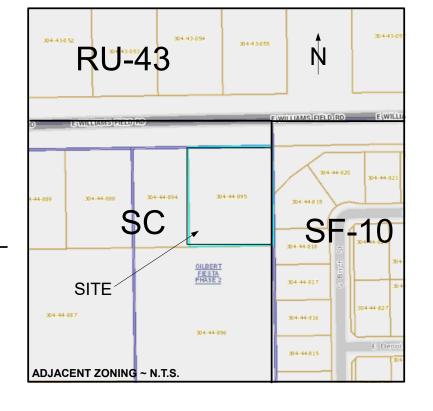
For further consideration and to provide project insight, there is a Dogtopia in operation at 14747 N. Northsight Boulevard, Scottsdale, AZ. Please feel welcome to visit any time. More, live video for Scottsdale can be viewed remotely and additional Dogtopia information is available C/O YouTube: http://www.dogtopia.com/scottsdale-raintree/webcams/

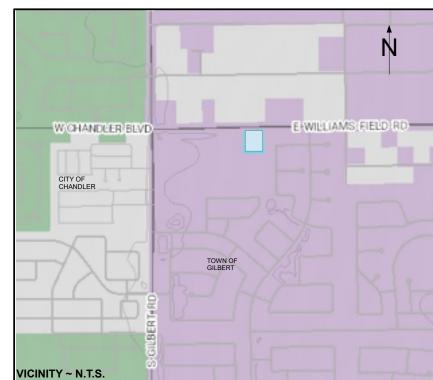
https://www.youtube.com/watch?v=9FONo1u85eY&feature=youtu.be I very much look forward to answering any questions or concerns and look forward to productive dialogue.

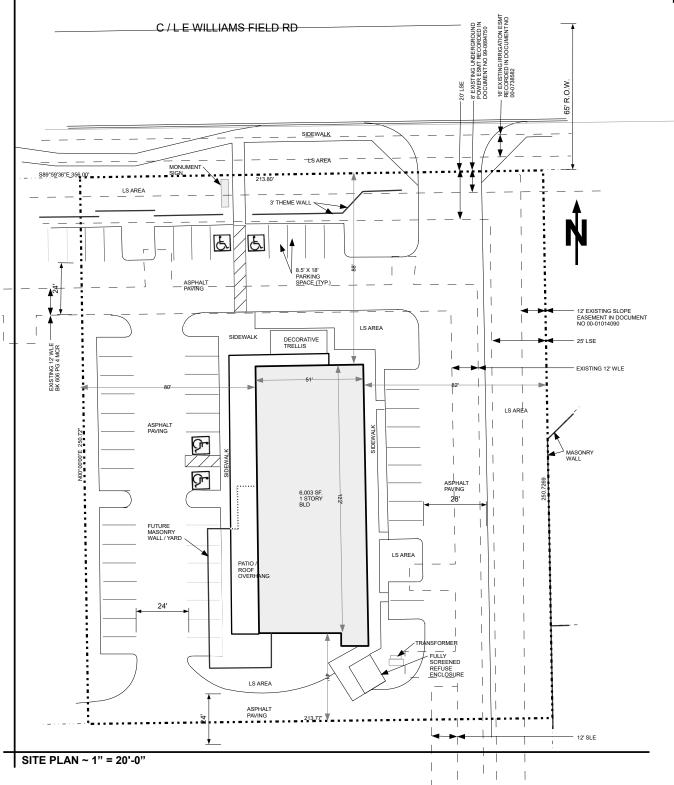
Respectfully,

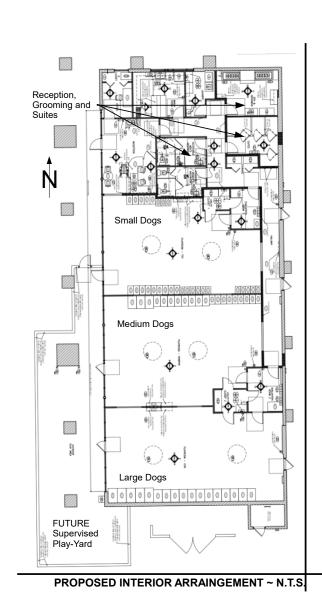
Tina Edenfield Owner, Dogtopia of Gilbert Tina.edenfield@dogtopia.com











SITE PLAN NOTES:

NOT FOR CONSTRUCTION. SITE
PLAN PREPARED TO PROVIDE
SUPPORTING DOCUMENTATION FOR
APPLICATION FOR CONDITIONAL USE
PERMIT. ALL FEATURES ARE EXISTING
UNLESS NOTED OTHERWISE. ALL
EXISTING EXTERIOR BUILDING
FINISHES AND SITE IMPROVEMENTS
SHALL REMAIN IN COMPLIANCE WITH
GILBERT FIESTA DESIGN GUIDELINES.
ANY DEVELOPMENT AND TENANT ANY DEVELOPMENT AND TENANT
IMPROVEMENT PENDING TOWN OF
GILBERT DESIGN REVIEW AND
BUILDING PERMIT ISSUANCE.

PROJECT INFORMATION:

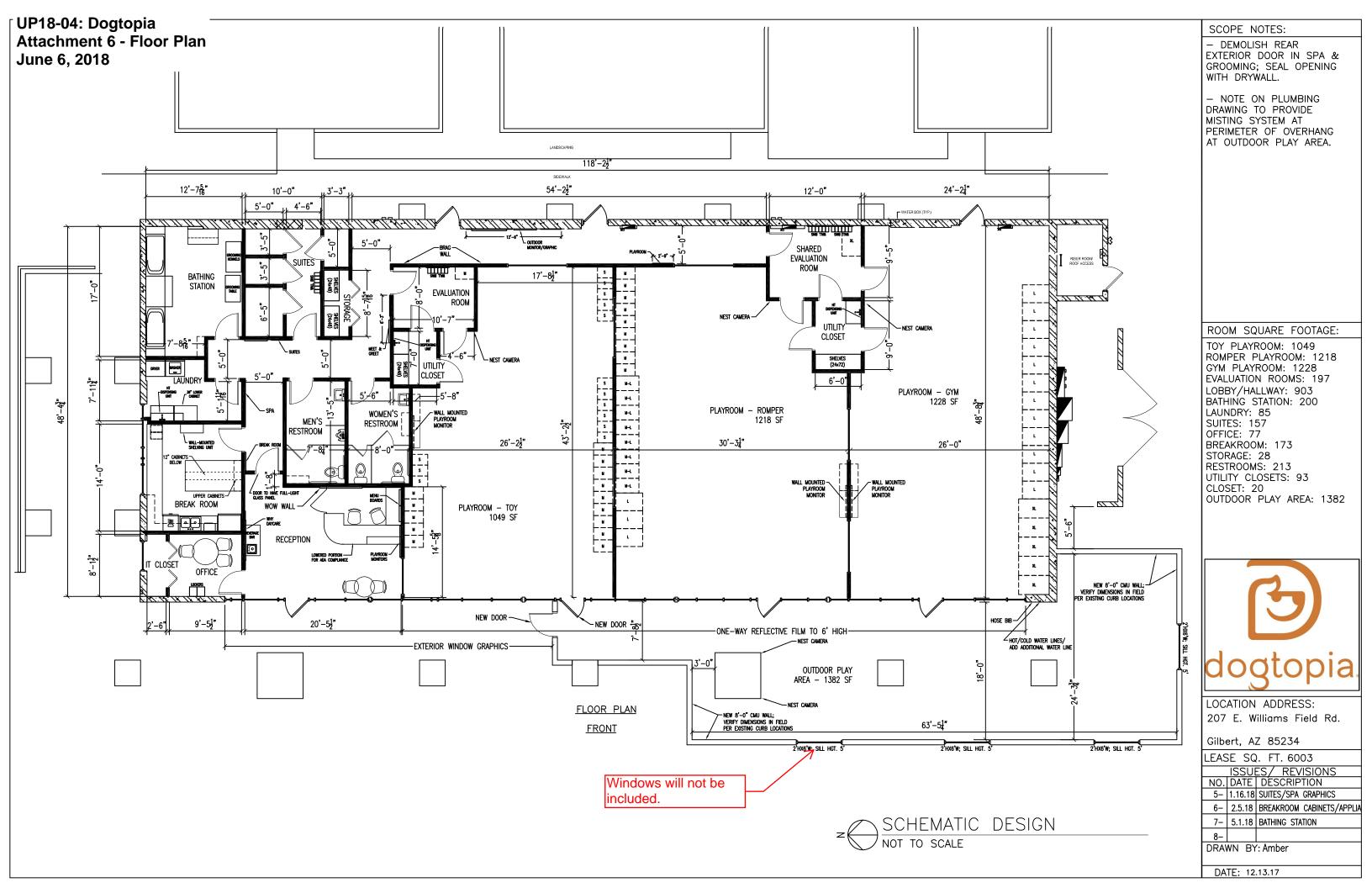
OWNER: FUTURE HOLDINGS LLC
2468 E. PAGE AVE.
GILBERT, AZ 85234
ATTN: MS. TINA EDENFIELD
(480) 729-0789

SITE: 207 E WILLIAMS FIELD RD
GILBERT, AZ 85234 GILBERT, AZ 85234
APN: 304-44-895
LEGAL: LOT 2, GILBERT FIESTA PHA
ZONING: SC
LOT: 53,597 SF (1,23 ACRES)
COVERAGE:8,430 SF (16%)
PARKING: 1 SPACE PER GROSS SF
FLOOR AREA (6003 / 250)
SPACES REQUIRED 25
SPACES PROVIDED 46 304-44-895 LOT 2, GILBERT FIESTA PHASE II



Dogtopia at Gilbert Fiesta 207 East Williams Field Road Gilbert, Arizona





UP18-04: Dogtopia

Attachment 7 - Correspondence from Applicant Tina Edenfield June 6, 2018

Stephanie Bubenheim

From:

Tina Edenfield < tina.edenfield@dogtopia.com>

Sent:

Tuesday, May 22, 2018 5:08 PM

To:

Stephanie Bubenheim

Subject:

FW: response to your mailing of public hearing notice

Hi Stephanie,

Here is the email from the concerned neighbor and my response.

Thank you for all you do!

From: Tina Edenfield

Sent: Thursday, May 17, 2018 6:00 PM
To: wayne <wayandmar@hotmail.com>

Subject: RE: response to your mailing of public hearing notice

Good Evening Wayne,

Thank you so much for reaching out to me. I will do my best to answer your questions.

Dogtopia is an award winning franchise that offers daycare and boarding for dogs. I'm attaching the commercial that's on youtube so you can get a better idea. We started this journey because we struggled to find care for our 2 dogs that met my standards. Come to find out, Dogtopia had even higher standards than I did. There will be 3 separate play rooms for dogs to be placed by size, temperament and play style. Safety is our first concern.

- 1. There will be a 1300 sq ft outdoor area that wraps around the southwest corner and up towards the main entrance to the building. It's a big L shape to accommodate distance requirements from your neighborhood, as well as to take advantage of the big trees already there for shade. It will be enclosed in a 8' CMU wall that will be covered and painted to match the existing building. It will have 3 windows in it for natural light.
- 2. Each playroom will be rotated outside for 15-20 minutes at a time to get some fresh air and change of scenery. All rooms are monitored by well trained Canine Coaches and they are never left alone to bark or get into mischief. There will be times throughout the day when there are no pups outside. The last dogs leave by 7PM each night unless they are staying the night, and in that case they are let out for one last break at around 9 just to potty.
- 3. With the size that our rooms will be, there will never be more than 30 dogs outside at once. I know that sounds like a lot, but with supervision and redirection they bark less outside with us than they would if you had 2 neighbor dogs outside all day defending "their territory". There is a location in Scottsdale and Arcadia that both have outdoor areas with no notable noise problems.
- 4. There will be NO chemical or waste smells to enter the air. Our Canine coaches pick up waste immediately using a plastic bag which is then tied securely and placed in a tightly lidded, double-lined bin. That bin is emptied at the end of each day. Waste will be picked up twice weekly. The outside artificial grass is specially made for use with dogs. It will be cleaned twice daily with a Pet-Safe Cleaning Program.
- 5. One last note, there is also a Dogtopia Foundation that supports and raises money for Service Dogs for Veterans, Youth Literacy Programs, and Autism Employment Initiatives.

https://youtu.be/9FONo1u85eY

I hope I've answered all of your questions. If not, please feel free to reach out again at any time. I appreciate your good wishes on our endeavor.

Kind Regards,

From: wayne < wayandmar@hotmail.com > Sent: Thursday, May 17, 2018 5:03 PM

To: Tina Edenfield < tina.edenfield@dogtopia.com>

Subject: response to your mailing of public hearing notice

Tina, If you could kindly answer a couple questions this will help me decide whether to attend the hearing on June 6th. I live in the subdivision due east of and very close to your proposed business location. My questions are......what is the capacity of animals your business can serve? will there be an outside area for the animals? If so, how many, how often, for how long? Will there be any odors or chemicals that will enter the air since the wind typically blows from west to east here? Thanks for your response and I wish you success in your business endeavor.

Sent from Outlook